

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 4857/2026

Rushil Haresh Bhai Modi S/o Haresh Bhai Modi, Aged About 28 Years, A/2/94, Management Enclave, Opp. Indraprasth Bungalow, Vastrapur, Ahmedabad - 380015, Gujarat.

-----Petitioner

Versus

1. State Of Rajasthan, Rajasthan
2. Shri Ram Minerals, Kelwa Amet Road, Bamantukra, Tehsil District Rajsamand Through Authorized Signatory Lalu Ram S/o Maangi Lal Teli, Aged About 44 Years, Resident Of Miyari, Tehsil District Rajsamand, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Laxman Solanki Mr. Dhruv Gehlot
For Respondent(s)	:	Mr. HS Jodha, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

03/07/2026

Counsel for the petitioner submits that proceedings have been initiated against the petitioner under Section 138 of NI Act. It is stated that in the complaint, the Company has been arrayed as accused no.1 through him.

It is alleged that petitioner is only an Independent Director and not Executive Director.

It is stated that even the cheque do not bear his signature, as such, the petitioner cannot be said to be responsible for the day to day affairs of the Company.

Alleging justified as the same through Executive Directors, who are respondents no.2 & 3.

It is further stated that the petitioner has resigned from the post of Independent Director as well in the year 2021 and hence including his name in the complaint is not justified as Director of the Company.

Counsel for the petitioner submits that in identical cases, Hon'ble Gujarat High Court in bunch of Applications led by R/Special Criminal Application (Quashing) No.5921 of 2026 on 28.04.2026 has already passed interim order staying further proceedings on the ground that the petitioner is Independent Director and could not be arrayed as an accused.

In view thereof, the matter requires consideration.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of respondent-State. Notice, thus, is required to be issued to respondent no.2 only, returnable within a period of four weeks.

Meanwhile, proceedings qua the petitioner in Criminal Complaint No.3461/2021 pending before the court of learned ACJM, Rajsamand shall remain stayed.

However, the complainant shall be free to move appropriate application, if he is so advised.

(BALJINDER SINGH SANDHU),J